

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments, which follow.

As correctly noted in the Office Action Summary, claims 1-3, 5, 7-10, 12-14, 16-18 and 20-29 were pending. Upon entry of the present response, claims 30-38 have been added, claims 1, 9, 12, 13 and 17 amended, and claims 4-6, 11, 15, 19 and 23-29 canceled. Thus, upon entry of the present response, claims 1-3, 7-10, 12-14, 16-18, 20-22 and 30-38 are pending and await further consideration on the merits.

Support for the present claim amendments can be found, for example, in at least the following portions of the disclosure: Page 8, lines 35-38; page 9, lines 33-38; Figure 3; and the original claims.

Entry of the foregoing as appropriate pursuant to 37 C.F.R. § 1.116 for at least the following reasons: the foregoing amendments clearly act to place the application in condition for allowance; and foregoing amendments improve the form of the application for purposes of appeal.

SUBSTANCE OF THE PERSONAL INTERVIEW CONDUCTED FEBRUARY 10, 2005

Applicant thanks Examiner Lee for the courtesies extended to Applicant's representative during a personal interview conducted on February 10, 2005. During the interview, a proposed claim amendment was discussed (see attachment to interview summary). In particular, a proposed amendment to claim 1 was presented which Applicant's representative argued further

distinguished the present invention from the applied prior art. Applicant's representative noted that the applied prior art, and in particular U.S. Patent No. 5,305,033 to Takahashi et al. taught a construction by which the buttons for operations of the imager and light source were mechanically interconnected. Thus, as discussed in the interview, the current grounds for rejection fail to establish the obviousness of amended claim 1. In addition, it was further asserted that an attempt to modify the applied prior art in a manner such that the requirements of amended claim 1 would be met would necessitate modification of the device of Takahashi et al. in a manner which would, at a minimum, change the principle of operation taught by Takahashi et al., and thus would be improper. *See, e.g.* – MPEP § 2143.01. However, no agreement was reached with regard to the obviousness, or lack thereof, of amended claim 1. The Examiner further indicated that entry of such an amendment would most likely be denied entry, as the application is currently under final rejection.

CLAIM OBJECTIONS

Claims 1,5, 21-23 and 25-28 are objected to because of informalities as set forth in paragraphs 1-2 of the Official Action. The claims have been amended in a non-narrowing manner to address the objections. Thus, reconsideration and withdrawal of the objections is respectfully requested.

ELECTION BY ORIGINAL PRESENTATION

In paragraph 23-29 of the Official Action, it was asserted that claims 23-29 which were presented in a previous response were directed to an invention which is independent or distinct from the invention originally claimed. Thus, claims 23-29 were withdrawn from consideration as being directed to a non-elected invention.

While Applicant does not concur with the characterizations contained in paragraph 3 of the Official Action, claims 23-29 have been canceled in order to advance prosecution. Applicant reserves the right to pursue subject matter of these claims in one or more continuation and/or divisional applications.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 5 and 17 stand rejected under 35 U.S.C. §112, second paragraph on the grounds set forth in paragraph 4 of the Official Action.

By the present response, applicant has amended claims 5 and 17 in a manner which addresses the above noted rejection, without narrowing the scope thereof. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-3, 5, 7-9, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being obvious over the three referenced combination of U.S. Patent No. 3,984,625 to Camras (hereafter "*Camras*"), in view of U.S. Patent No. 5,305,033 to Takahashi et al. (hereafter "*Takahashi et al.*") and U.S. Patent No. 5,073,823 to Yamada et al. (hereafter "*Yamada et al.*") on the grounds

set forth in paragraph 6 of the Official Action. For at least the reasons noted below, the rejection should be withdrawn.

The present invention is directed to a video and flash light camera as defined by amended claim 1. Amended claim 1 recites:

1. *A security system, comprising:*
 - a) *a handheld light source for selectively emitting a beam of light, said light source comprising:*
 - 1) *an imager, having an optical axis generally along said beam of light, for converting a first image received along said optical axis into an electronic image;*
 - 4) *a transmitter, coupled to said imager, for broadcasting said electronic image as a broadcast image;*
 - 5) *a power cell, coupled to said imager and to said transmitter, for providing operating power such that said light source is portable; and*
 - 4) *a first on/off switch operable to control said light source independently of said imager, and a second on/off switch operable to control said imager independently of said light source; and*
 - b) *a remote unit, including:*
 - 1) *a receiver for receiving said broadcast image and converting it back to said electronic image; and*
 - 3) *at least one of the following:*
 - i) *a monitor, coupled to said receiver, for displaying said electronic image; and*
 - ii) *a recorder, coupled to said receiver, for recording said electronic image in a format suitable for recovery of said first image at a later time,*
- wherein said handheld light source is constructed and arranged to concurrently generate said beam of light, convert said first image into an electronic image, and broadcast said electronic image as a broadcast image.*

It is asserted in paragraph 6 of the Official Action that *Takahashi et al.* teaches "the particular on/off switch (26 of Figure 1) for the flashlight and which is operable independently of the video camera." (See column 3, lines 46-64). This assertion, at least with respect to amended claim 1, is incorrect.

As evident from the above, amended claim 1 requires, *inter alia*, "a first on/off switch operable to control said light source independently of said imager, and a second on/off switch operable to control said imager of said light source." By contrast, as illustrated in Figures 5A and 6, and described in column 3 of *Takahashi et al.*, the opposite is true. Namely, *Takahashi et al.* teaches a construction wherein the light switch (26) and the imager control button (28) are constructed and arranged to operate jointly via an interlocking switch (27). *Takahashi et al.* teaches that this arrangement is necessary in order to achieve the primary objective of turning the illumination bulb off when a picture is taken in order to avoid the undesirable "wash-out" effect (*See, e.g.*-column 3, lines 54-64). As clearly disclosed in column 3:

when the user pushes the shutter release button 28, the interlocking switch 27 is opened, thereby breaking the circuit connecting the power supply 8 to the illumination bulb 12 and or the red colored bulbs 14. Thus, the bulbs are turned off when a picture is taken. (Column 3, lines 60-64).

It is further alleged in paragraph 6 of the Official Action that would be appropriate for one of ordinary skill in the art to turn to the teachings of *Yamada et al.* in an effort to modify teachings of *Camras* and *Takahashi et al.* to arrive at the presently claimed invention. In this regard, it is asserted that:

Therefore, it would have been obvious to one of ordinary skill in the art, having the *Camras*, *Takahashi et al.*, and *Yamada et al.* references in front of him/her and the general knowledge of on/off switches in camera systems, would have had no difficulty in providing the combination of video camera and flashlight system wherein on/off switches for both the light source and imager are being operated independently of each other. . .

The above quoted assertion is respectively traversed.

Yamada et al. teaches handheld video camera (1) and a separate light source (2) mounted thereto. (See, e.g. Figure 2). The arrangement of the *Yamada et al.* includes a circuit, which acts to automatically turn the light source on whenever the user takes a picture. Thus, in this regard, the purpose of *Yamada et al.* is the exact opposite of *Takahashi et al.* (i.e. to avoid having the light source on at the same time a picture a taken). The grounds for rejection fail to explain why one of ordinary skill in the art would have been motivated in the first instance to even have turned to the teachings of *Yamada et al.* in an attempt to modify the teachings of *Takahashi et al.* Without the benefit of hindsight, it would not have been obvious for one of ordinary skill in the art to turn to the teachings of *Yamada et al.*, which are completely contrary to the principle of operation of *Takahashi et al.* and thus provides no incentive or the proposed combination.

A rejection of amended claim 1 on grounds along the lines of that quoted above, would also be improper because modification of the imager control button and the light switch of *Takahashi et al.* to the extent necessary to meet the requirements of the claimed invention would require destruction of the operability of the jointly operable shutter release and light switch buttons of *Takahashi et al.* and would render them useless for their principle mode of operation. See, e.g. – MPEP § 2143.01. Thus, the proposed modification of *Takahashi et al.* is incorrect as a matter of law.

Finally, as evident from the underlined portion of the above quoted grounds for rejection, the rationale of the stated rejection is clearly based upon the inappropriate standard of what is "within the capabilities of one of ordinary skill in the art." As set forth in MPEP § 2143.01:

A statement that modifications of the prior art to meet the claimed invention were to been 'well within the ordinary skill

of the art at the time the claimed invention was made' because the references teach that all aspects of the claimed invention were individually known the art is not efficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings to combine the teachings of the references.

Thus, for at least the reasons noted above, the grounds for rejection of record are inadequate to establish a *prima facie* case of obviousness with respect to amended claim 1.

The remaining claims depend either directly or indirectly upon claim 1. Thus, these claims would not have been obvious in light of the proposed combination for at least the same reasons noted above.

Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over previous stated combination of *Camaras*, *Takahashi et al.* and *Yamada et al.* and further in view of U.S. Patent No. 4,802,008 to Walling (hereafter "*Walling*") on the grounds set forth in paragraph 7 of the Official Action.

In paragraph 7 of the Official Action it is asserted that *Walling* discloses a satellite communication system for medical related images and teaches the particular communications via RF transmissions of any number trucks within the central headquarters or to other trucks from any given location as well as the particular use of repeaters for translating the transmitted signal into a different frequency and then sending it to a receiver at central headquarters.

However, even if the teachings of *Walling* were applied as proposed, the claimed invention would not result. Namely, *Walling* does not cure the above noted deficiencies noted in connection with the three-reference principle combination of *Camras*, *Takahashi et al.* and *Yamada et al.*, as noted above. Thus, the rejection should be withdrawn.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being obvious over the previously stated combination of *Camras*, *Takahashi et al.* and *Yamada et al.*, and further in view of U.S. Patent No. 4,777,526 to Saitoh (hereafter "*Saitoh et al.*") on the grounds set forth in paragraph 8 of the Official Action. For at least the reasons noted below, the rejection should be withdrawn.

It is asserted in paragraph 8 of the Official Action that *Saitoh et al.* discloses a security monitoring system which includes a plurality of cameras monitoring desired areas of interest. It is further asserted that in light of the teachings of *Saitoh et al.* it would have been obvious to one of ordinary skill in the art to provide a plurality of camera/flashlight systems wherein at least two of a team of security officers may be equipped with a flashlight and wherein a series of real time images with accompanying audio signals may be broadcasted from each of the plurality of hand held flashlights. In particular, it is asserted that:

Therefore, it would have been obvious to one of ordinary skill in the art, having the *Camras*, *Takahashi et al.*, *Yamada et al.*, and *Saitoh et al.* references in front of him/her and the general knowledge of camera system configurations, would have had no difficulty in providing the combination camera and flashlight as shown in the combination of *Saitoh et al.* and *Takahashi et al.* in place of each of the plural cameras of *Saitoh et al.* for the same well known multiple camera surveillance monitoring purposes as claimed.

This assertion is respectfully traversed.

First, contrary with the assertions in paragraph 8 of the Official Action, none of the applied prior art references, taken alone or in combination, suggest the methods of claims 12 and 13, each requiring a plurality of handheld flashlights, each of which transmit a video image. As acknowledged in the grounds of rejection, neither *Camaras*, *Takahashi et al.* nor *Yamada et al.*

disclose this aspect of the presently claimed method. *Saitoh et al.* discloses a security monitoring system which includes a plurality of video cameras. However, *Saitoh et al.* fails to disclose, or even suggest, anything other than plurality of fixed location video cameras. Import of the teachings of *Saitoh et al.* is that a plurality of cameras are necessary in order to monitor different areas. By contrast, a handheld video flashlight permits the transmission of a video signal which is mobile and can be relocated and thus used to monitor more than one area. Therefore, it would not necessarily have been obvious to one of ordinary skill in the art to turn to the teachings of *Saitoh et al.* in an attempt to provide coverage to different areas. In other words, use of a single handheld video monitoring device could be used to monitor the different areas of interest. The grounds for rejection fail to explain why one of ordinary skill in the art would have even sought out the teachings of *Saitoh et al.* in the first place, absent the benefit of hindsight, in an attempt to make the proposed modification. Secondly, *Saitoh et al.* fails to disclose, or suggest, providing a plurality of handheld flashlights which emit a video signal.

Finally, as evident from the underlined portion of the above quoted grounds for rejection, rational support for the rejection is clearly based on the inappropriate standard of what is within the capabilities of those of ordinary skill in the art. This is clearly improper, as set forth in MPEP § 2143.01. Thus, the rejection is as improper as a matter of law. Claim 14 stands rejected 35 U.S.C. § 103(a) as being obvious over stated combination of *Camras*, *Takahashi et al.*, *Yamada et al.*, and *Saitoh et al.*, and further review of *Walling*. It is asserted in paragraph 9 that *Walling* teaches those aspects of the presently claimed invention previously set forth in connection with the grounds of rejection appearing in paragraph 7 of the Official Action. However, as previously discussed, even if the proposed combination were appropriately made, the claimed invention

would not result. Namely, Walling fails to cure the previously deficiencies noted in connection with the principle connections of *Camras*, *Takahashi et al.*, *Yamada et al.*, and *Saitoh et al.* Thus, reconsideration or withdrawal of the rejection is respectfully requested.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being obvious over the previously stated combination of *Camras*, *Takahashi et al.*, and *Yamada et al.*, further in view of U.S. Patent No. 5,584,137 to Teetzel (hereafter "*Teetzel*") on the grounds set forth in paragraph 10 of the Official Action. This rejection is respectfully traversed.

It is asserted in paragraph 10 of the Official Action that *Teetzel* discloses a modularly laser apparatus as well as use of a laser pointer with a flashlight system. However, even if the proposed modification were appropriately made, the claimed invention would not result. Namely, *Teetzel* fails to cure the previously noted deficiencies discussed in connection with the principle combination of *Camras*, *Takahashi et al.*, and *Yamada et al.*

Moreover, the modularly laser apparatus of *Teetzel* is constructed for use with firearms. As such, the size and mechanical construction of the apparatus does not render it suitable for combination with a relatively compact handheld flashlight which is that described by *Takahashi et al.*, or set forth in the presently claimed invention. The grounds for rejection fail to adequately explain (1) why one of ordinary in the art would have been motivated to utilize a laser pointer in connection with a combined flashlight/imager, in light of the teachings of *Teetzel* which are directed toward accurate shooting capabilities; and (2) how one of ordinary skill in the art would have gone about modifying the device taught by the principle combination and manner which would result in the claimed invention, without destroying the operability of the base device.

For at least the reasons noted above, the rejection is improper and should be withdrawn.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being obvious over the previous stated combination of *Camras*, *Takahashi et al.*, and *Yamada et al.* and further in view of U.S. Patent No. 5,097,397 to Stanuch et al. (hereafter "*Stanuch et al.*") on the grounds set forth in paragraph 11 of the Official Action. For at least the reasons noted below, the rejection should be withdrawn.

It is asserted in paragraph 11 of the Official Action that *Stanuch et al.* teaches craned RF shielding of the electronics in order to reduce noise from the transmitter. However, even if the proposed combination were appropriately made, the claimed invention would not result. Namely, *Stanuch et al.* fails to cure the previously noted deficiencies present in the principle combination. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being obvious over the previously stated combination of *Camras*, *Takahashi et al.*, and *Yamada et al.*, further in view of U.S. Patent No. 5,421,460 to Bosshard (hereafter "*Bosshard*") on the grounds set forth in paragraph 10 of the Official Action. This rejection is respectfully traversed.

It is asserted in paragraph 12 of the Official Action that *Bosshard* teaches rod-like shaped housings for light sources and cameras. Thus, it is concluded in paragraph 12 of the Official Action that:

Therefore it would have been obvious to one of ordinary skill in the art having the *Camras*, *Takahashi et al.*, *Yamada et al.*, and *Bosshard* references in front of him/her and the general knowledge of housing structures for light sources, would have had no difficulty in providing the rod-like housing structure of *Bosshard* for the handheld light source within the combination of *Camras*, *Takahashi et al.*, and *Yamada et al.* for the same well know enclosure of the camera and light source for protection and use purposes as claimed.

This assertion is respectfully traversed.

Bosshard teaches device structured for emergency use in automobiles. The device includes a first elongated end section (2) which is closed off at its free end by a rigid end wall (21) which forms a striker head in the form of a steel ball (22) which is provided for the purpose of breaking automobile glass in an emergency situation. The opposing end of the device (6) is disclosed as being provided in the form of a special blinking or flashing lamp (61). The device of *Bosshard* may further include an intermediate section (3) which can house a disposable camera (31). It is important to note that this camera is not usable when mounted within the *Bosshard* device:

These connecting elements 23 and 34 are likewise designed to allow the special disposable camera 31 to be easily removed from a hollow rod 1 and to be immediately used in an emergency for drawing up an accident report. (column 3, lines 52-56)

By contrast, the presently claimed invention is directed to a handheld device which has both image capturing and illumination functionalities, and further wherein this functionality may be provided concurrently with each other. This is impossible with the device of *Bosshard*. Thus, *Bosshard* teaches away from at least this aspect of the presently claimed invention.

Moreover, it is evident from the underlined portion of the above quoted grounds for rejection, the stated rationale is clearly based on the inappropriate standard of what is within the capabilities of those of ordinary skill in the art. Thus, the rejection is improper as a matter of law.

Finally, even if the proposed combination were appropriately made, the claimed invention would not result. Namely, *Bosshard* fails to cure the previous noted deficiencies discussed above in connection with the principle combination of *Camras*, *Takahashi et al.*, and *Yamada et al.*

For at least the reasons noted above, the rejections is improper and should be withdrawn.

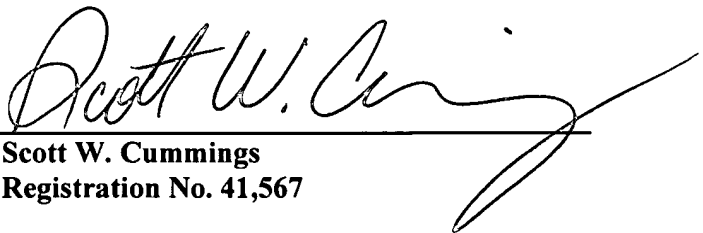
CONCLUSION

Based on the foregoing, further and favorable action on the merits is respectfully requested. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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